

Attorney Docket No. 010248C1

REMARKS

Claims 1-18 are pending in the present application. In the above amendments, claims 15-18 have been amended. No new matter has been added by these amendments. Therefore, after entry of the above amendments, claims 1-18 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

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AUG 07 2006**I. DOUBLE PATENTING REJECTION**

Claims 1-18 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-49 of U.S. Patent No. 6,662,024.

In paragraph 2 on page 2 of the Office Action, the Examiner rejected claims 1-18 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-49 of U.S. Patent No. 6,662,024. A terminal disclaimer has been submitted to overcome the Examiner's rejection. A terminal disclaimer fee under 37 CFR 1.20(d) has also been included.

Claims 1-18 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-65 of co-pending U.S. Application No. 10/042,529.

In paragraph 3 on pages 2-3 of the Office Action, the Examiner provisionally rejected claims 1-18 on the on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-65 of co-pending U.S. Application No. 10/042,529. A terminal disclaimer has been submitted to overcome the Examiner's rejection. A terminal disclaimer fee under 37 CFR 1.20(d) has also been included.

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Claims 1-18 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-41 of co-pending U.S. Application No. 09/859,346.

In paragraph 4 on pages 3 of the Office Action, the Examiner provisionally rejected claims 1-18 on the on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-41 of co-pending U.S. Application No. 09/859,346. A terminal disclaimer has been submitted to overcome the Examiner's rejection. A terminal disclaimer fee under 37 CFR 1.20(d) has also been included.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 15, 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wallace, U.S. Patent No. 6,473,467.

As discussed below, claims 15, 17 and 18 have been amended to include the following feature, each set including one or more terminals and corresponding to a hypothesis. We respectfully submit that Wallace does not disclose, either expressly or inherently, this feature. Thus, claims 15, and 17-18 are patentable over Wallace.

Claims 15, and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kogiantis, U.S. Patent Publication No. 2002/0068611.

In paragraph 5 on page 8 of the Office Action, the Examiner rejected claims 15, and 17-18 under 35 U.S.C. 102(e) as being anticipated by Kogaintis (US 2002/0068611). The legal standard for claim anticipation is well established. "A claim is anticipated only if each and every

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element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). (Both *Verdegaal* and *Richardson* opinions are quoted with approval in MPEP § 2131.)

Claims 15, 17 and 18 have been amended to include the following feature, each set including one or more terminals and corresponding to a hypothesis. We respectfully submit that Kogiantis does not disclose, either expressly or inherently, this feature. Thus, claims 15, and 17-18 are patentable over Kogiantis.

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CONCLUSION

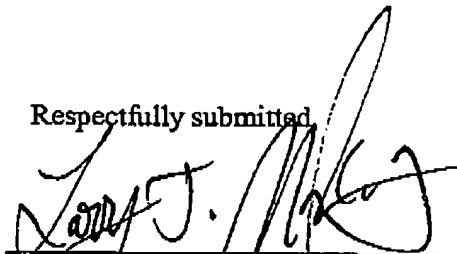
In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: August 7, 2006

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